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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,536	10/15/2004	Peter Schwalbach	112740-1019	4420

29177 7590 03/23/2006

BELL, BOYD & LLOYD, LLC  
P. O. BOX 1135  
CHICAGO, IL 60690-1135

EXAMINER
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DOAN, KIET M

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/511,536

Applicant(s)

SCHWALBACH, PETER

Examiner

Kiet Doan

Art Unit

2683

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

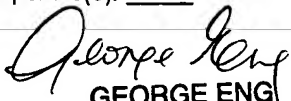
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: See office action.

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER

### DETAILED ACTION

This office action is response to Remarks file on 02/23/2006.

#### ***Response to Arguments***

Applicant's arguments filed 02/23/2006 have been fully considered but they are not persuasive.

In response to applicant argument that reference not viewing "telecommunication module directly connected to a wireless mobile communication network " and **does not disclose** "a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication"

"a control data processor for automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated"

"a connector for further connecting the telecommunication module to an external electronic device".

Examiner respectfully disagrees, in Miller (Patent No. 6,535,911) teaches telecommunication module directly connected to a wireless mobile communication network (C4, L48-56, Fig. 1, Illustrate viewing computer No.155 which contain interface No.146 wherein connected to communication network No.145).

a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication (C4, L38-67, C5, L1-20, Fig.1, Illustrate processor No.160 which read on system data processor wherein performing at least one telecommunication activity such as setting up, implementing communication connection with the wireless mobile communication with the server computer No.105).

a control data processor for automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated (C4, L38-67, Fig.1, Illustrate processor No.160 which executing at least one control instruction sequence stored (No.170 as storage device) in the telecommunication module (as viewing computer No. 155)).

a connector for further connecting the telecommunication module to an external electronic device (Fig.1, Illustrate viewing computer No. 155 means as telecommunication module contain network interface No.149 which for connecting to external electronic device (by communication links 148 and 142) to an external electronic device such as server computer No.105).

Therefore, examiner interpreted "telecommunication module directly connected to a wireless mobile communication network"

"a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being at least one of creating, setting up,

implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication”

“a control data processor for automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated”

“a connector for further connecting the telecommunication module to an external electronic device” **as broadest reasonable interpretation and it is proper.**

In response to applicant argument that reference does not teach, suggestion or motivation incorporating the Java system.

Examiner respectfully disagrees, in Miller (Patent No. 6,535,911) teach viewing computer contain JAVA browser (C5, L46-51). Further, examiner using Lueh (Pub. No. 2002/0144240) to pointing out as claim 16 indicated at least one Java MicroEdition byte code (Paragraphs [0026-0027], Fig.3, Illustrate and description).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

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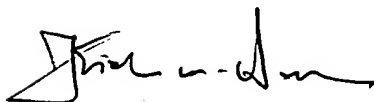
*Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, examiner provide the motivation such as control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction, to provide means for flexibility operating is the knowledge generally available to one of ordinary skill in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner